

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11	KORY T. O'BRIEN,)	Case No.: 1:21-cv-0856 JLT SAB (PC)
12	Plaintiff,)	
13	v.)	ORDER ADOPTING FINDINGS AND
14	RITA DIAZ, et al.,)	RECOMMENDATIONS, DENYING PLAINTIFF'S
15	Defendants.)	MOTION TO SUPPRESS DEPOSITION AND
16)	MOTION FOR SUMMARY JUDGMENT, AND
)	GRANTING DEFENDANTS' MOTION FOR
)	SUMMARY JUDGMENT
)	(Docs. 40, 41, 51)
)	

Kory O'Brien seeks to hold the defendants liable for retaliation in violation of the First Amendment pursuant to 42 U.S.C. § 1983. (*See* Docs. 10, 13.) The assigned magistrate judge found Plaintiff failed to establish his retaliation claim against Defendants based on the filing of a counseling chrono rules violation report. Therefore, the magistrate judge recommended Defendants' motion for summary judgment be granted, Plaintiff's motion to suppress his deposition and cross-motion for summary judgment be denied. (Doc. 51)

The Court served the Findings and Recommendations on the parties on January 17, 2023, and informed the parties that any objections must be filed within 21 days of the date of service. (Doc. 51 at 20.) In addition, the Court informed the parties that "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) No party filed objections, and the deadline to do so expired.

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of this case. Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on January 17, 2023 (Doc. 51), are **ADOPTED** in full.
2. Defendants' motion for summary judgment (Doc. 40) is **GRANTED**.
3. Plaintiff's motion to suppress his deposition and cross-motion for summary judgment (Doc. 41) are **DENIED**.
4. The Clerk of Court is directed to judgment and close this action.

IT IS SO ORDERED.

Dated: **February 23, 2023**


UNITED STATES DISTRICT JUDGE